

CLOSED, ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:06-cv-06552-VM**

Bloomberg L.P. v. United States Food and Drug Administration  
et al

Assigned to: Judge Victor Marrero

Cause: 05:552 Freedom of Information Act

Date Filed: 08/30/2006

Date Terminated: 10/11/2007

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Bloomberg L.P.**

represented by **Thomas H Golden**  
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**LEAD ATTORNEY**  
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V.

**Defendant**

**United States Food and Drug  
Administration**

represented by **Lara K. Eshkenazi**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**United States Department of Health  
And Human Services**

represented by **Lara K. Eshkenazi**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/30/2006	<u>1</u>	COMPLAINT against United States Food and Drug Administration, United States Department of Health And Human Services. (Filing Fee \$ 350.00, Receipt Number 589102) Document filed by Bloomberg L.P.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> )(js, ) (Entered: 08/31/2006)
08/30/2006		SUMMONS ISSUED as to United States Food and Drug Administration, United States Department of Health And Human Services. (js, ) (Entered: 08/31/2006)
08/30/2006		Magistrate Judge Theodore H. Katz is so designated. (js, ) (Entered: 08/31/2006)
08/30/2006		Case Designated ECF. (js, ) (Entered: 08/31/2006)
08/30/2006	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Bloomberg L.P..(js, ) (Entered: 08/31/2006)
09/05/2006	<u>3</u>	NOTICE OF APPEARANCE by Lara K. Eshkenazi on behalf of United States Food and Drug Administration, United States Department of Health And Human

		Services (Eshkenazi, Lara) (Entered: 09/05/2006)
09/29/2006	<u>4</u>	ANSWER to Complaint. Document filed by United States Food and Drug Administration, United States Department of Health And Human Services.(Eshkenazi, Lara) (Entered: 09/29/2006)
10/13/2006	<u>5</u>	ENDORSED LETTER addressed to Judge Marrero from Lara Eshkenazi dated 10/10/06: a status conf is set for 10/20/06 at 3:00 pm to address the matter described above by deft FDA. (Signed by Judge Victor Marrero on 10/12/06) (cd, ) (Entered: 10/13/2006)
10/13/2006		Set/Reset Scheduling Order Deadlines: Status Conference set for 10/20/2006 03:00 PM before Judge Victor Marrero. (cd, ) (Entered: 10/13/2006)
10/20/2006		Minute Entry for proceedings held before Judge Victor Marrero : Settlement Conference held on 10/20/2006. Parties have agreed to briefing schedule. A letter will be submitted to the Court so the schedule can be formally endorsed. (pl, ) (Entered: 10/30/2006)
10/24/2006	<u>6</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Lara K. Eshkenazi dated 10/23/06 re: Request on behalf of both parties to propose the following briefing schedule: Moving Papers to be served by November 3, 2006, Opposing papers to be served by November 17, 2006, and Reply papers to be served by November 29, 2006. We request that the Court so order the above briefing schedule. ENDORSEMENT: Request GRANTED. The briefing schedule with regard to the defendants' motion for a stay of the proceedings herein is approved as set forth herein: Motion papers submitted by 11/3/06, response 11/17/06 and reply 11/29/06. (Signed by Judge Victor Marrero on 10/23/06) (js, ) (Entered: 10/24/2006)
11/03/2006	<u>7</u>	MOTION to Stay <i>Proceedings</i> . Document filed by United States Food and Drug Administration, United States Department of Health And Human Services. Return Date set for 11/29/2006 05:00 PM. (Eshkenazi, Lara) (Entered: 11/03/2006)
11/03/2006	<u>8</u>	MEMORANDUM OF LAW in Support re: <u>7</u> MOTION to Stay <i>Proceedings</i> .. Document filed by United States Food and Drug Administration, United States Department of Health And Human Services. (Eshkenazi, Lara) (Entered: 11/03/2006)
11/03/2006	<u>9</u>	DECLARATION of Nancy B. Sager in Support re: <u>7</u> MOTION to Stay <i>Proceedings</i> .. Document filed by United States Food and Drug Administration, United States Department of Health And Human Services. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6)(Eshkenazi, Lara) (Entered: 11/03/2006)
11/03/2006	<u>10</u>	DECLARATION of Russell G. Katz, M.D. in Support re: <u>7</u> MOTION to Stay <i>Proceedings</i> .. Document filed by United States Food and Drug Administration, United States Department of Health And Human Services. (Attachments: # <u>1</u> Exhibit 1)(Eshkenazi, Lara) (Entered: 11/03/2006)
11/13/2006	<u>11</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. United States Food and Drug Administration served on 8/31/2006, answer due 9/20/2006. Service was accepted by Aretha Charles, Civil Clerk of the US Attorney's Office. Service was made by Certified Mail. Document filed by Bloomberg L.P.. (Golden, Thomas) (Entered: 11/13/2006)
11/13/2006	<u>12</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. United States Department of Health And Human Services served on 8/31/2006, answer due 9/20/2006. Service was accepted by Aretha Charles, Civil Clerk of the US Attorney's Office. Service was made by Certified Mail. Document filed by Bloomberg L.P.. (Golden, Thomas) (Entered: 11/13/2006)
11/17/2006	<u>13</u>	DECLARATION of Charles J. Glasser, Jr. in Opposition re: <u>7</u> MOTION to Stay <i>Proceedings</i> .. Document filed by Bloomberg L.P.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Certificate Of Service)(Golden, Thomas) (Entered: 11/17/2006)

11/17/2006	<u>14</u>	MEMORANDUM OF LAW in Opposition re: <u>7</u> MOTION to Stay <i>Proceedings</i> .. Document filed by Bloomberg L.P.. (Attachments: # <u>1</u> Certificate Of Service)(Golden, Thomas) (Entered: 11/17/2006)
11/29/2006	<u>15</u>	REPLY MEMORANDUM OF LAW in Support re: <u>7</u> MOTION to Stay <i>Proceedings</i> .. Document filed by United States Food and Drug Administration, United States Department of Health And Human Services. (Eshkenazi, Lara) (Entered: 11/29/2006)
06/29/2007	<u>16</u>	ORDER: for reasons further set forth in said Order, defendant's <u>7</u> Motion to Stay of further proceeding in this action is DENIED. Parties are to confer and develop a proposed case management plan to submit to the Court within 20 days of the date of this Order. (Signed by Judge Victor Marrero on 6/29/07) (db) (Entered: 07/02/2007)
07/19/2007	<u>17</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Lara K. Eshkenazi dated 7/18/07 re: It is requested on behalf of both parties a five day extension of time from July 19, 2007 until July 24, 2007, to submit a proposed case management plan to the Court in the above referenced action filed pursuant to the Freedom of Information Act 5 U.S.C. 552. ENDORSEMENT: Request GRANTED. The time for the parties to submit a proposed case management plan in this action is extended to 7/24/07. (Signed by Judge Victor Marrero on 7/19/07) (js) (Entered: 07/20/2007)
07/24/2007	<u>19</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Lara K. Eshkenazi dated 7/24/2007 re: request that the case management plan include a provision allowing time for the parties to confer regarding potential summary judgment motions after the FDA has responded to the FOIA request. ENDORSEMENT: Plt is directed to respond by 7/27/2007, by letter not to exceed 2 pages, to the matter described above by dft. (Signed by Judge Victor Marrero on 7/25/2007) (jar) (Entered: 07/27/2007)
07/25/2007	<u>18</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Lara K. Eshkenazi dated 7/24/07 re: Counsel for defendants United States Food and Drug Administration ("FDA") and United States Department of Health and Human Services (collectively, the "Government"), pursuant to the Court's June 29, 2007 Order to submit a proposed case management plan to the Court in the above-referenced action filed purs. to the Freedom of Information Act ("FOIA") 5 U.S.C. 552, et seq. ENDORSEMENT: Plaintiff is directed to respond by 7/27/07, by letter not to exceed 2 pages, to the matter described above by defendants. (Signed by Judge Victor Marrero on 7/24/07) (tro) (Entered: 07/25/2007)
07/27/2007	<u>20</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Thomas H. Golden dated 7/24/2007 re: The Government believes that it needs ninety (90) days to prepare those disclosures. ENDORSEMENT: The Court will accept a 75-day period for the Government to produce the disclosures, with the understanding that if upon good faith efforts to comply with the deadline the Government is unable to complete the response, it shall report to the Court the status of the matter in 75 days and seek an extension not to exceed 15 days. SO ORDERED (Signed by Judge Victor Marrero on 7/26/2007) (jmi) (Entered: 07/30/2007)
08/15/2007	<u>21</u>	DECISION AND ORDER: For the reasons set forth above, it is hereby ordered that the motion (Docket No. 7) of the United States Food and Drug Administration (FDA) and United States Department of Health and Human Services (HHS) to stay the Freedom of Information Act proceedings herein is DENIED. So Ordered. (Signed by Judge Victor Marrero on 8/14/07) (js) (Entered: 08/16/2007)
10/04/2007	<u>22</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Lara K. Eshkenazi dated 10/4/07 re: Counsel for Defendants request a 15-day extension of time from 10/9/07 to 10/24/07, to respond to the Freedom of Information Act request of Bloomberg, L.P. ENDORSEMENT: Request GRANTED. The time for the Government to respond to plaintiff's Freedom of Information Act request herein in compliance with the Court's Orders dated 7/26/07 and 8/15/07 is extended by 15 days to 10/24/07. Responses due by 10/24/2007 (Signed by Judge Victor Marrero on 10/4/07) (tro) (Entered: 10/05/2007)

10/11/2007	<u>23</u>	CONDITIONAL ORDER OF DISCONTINUANCE: this action be conditionally without prejudice and without costs; provided, however, that within thirty (30) days of 10/24/2007 the parties may submit to the Court their own stipulation of dismissal for the Court to so ordered. The Clerk of Court is directed to close this case.(Signed by Judge Victor Marrero on 10/11/07) (kco) (Entered: 10/11/2007)
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